

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

UNITED STATES OF AMERICA,)	
)	No. 08 CR 888
Government,)	
)	Chicago, Illinois
vs.)	
)	January 27, 2010
ROD BLAGOJEVICH, ROBERT)	
BLAGOJEVICH,)	11:06 o'clock a.m.
)	
Defendants.)	

TRANSCRIPT OF PROCEEDINGS
BEFORE THE HONORABLE JAMES B. ZAGEL

For the Government:

THE HONORABLE PATRICK J. FITZGERALD,
UNITED STATES ATTORNEY
BY: Reid J. Schar
Christopher Niewoehner
Assistant United States Attorneys
219 South Dearborn Street;
Suite 500
Chicago, Illinois 60604

Court Reporter:

Blanca I. Lara, CSR, RPR
219 South Dearborn Street
Room 2504
Chicago, Illinois 60604
(312) 435-5895

1 APPEARANCES (continued:)

2

3 For Defendant Rod Blagojevich:

4

KAPLAN & SOROSKY
5 BY: Sheldon M. Sorosky
158 West Erie
6 Chicago, Illinois 60610
(312) 640-1776

7

LAW OFFICE OF SAMUEL E. ADAM
8 BY: Samuel Forbes Adam
Sam Adam, Jr.
9 6133 South Ellis Avenue
Suite 200
10 Chicago, Illinois 60637
312-726-2326

11

Michael Gillespie, LTD.
12 BY: Michael P. Gillespie
53 West Jackson Boulevard
13 Suite 1420
Chicago, Illinois 60604
14 (312) 726-9015

15

16 For Defendant Robert Blagojevich:

17

ETTINGER, BESBEKOS, PARISI
18 BY: Michael D. Ettinger
12413 South Harlem
Suite 203
19 Palos Hills, Illinois 60453
(708) 598-1111

20

21

22

23

24

25

1 (The following proceedings were had in open
2 court:)

3 THE CLERK: 2008 criminal CR 888, United
4 States versus Blagojevich et al.

:06AM

5 MR. SCHAR: Good morning, Judge.
6 Reid Schar, Chris Niewoehner and Carrie
7 Hamilton on behalf of the United States.

8 MR. SOROSKY: Sheldon Sorosky S-o-r-o-s-k-y,
9 one of the lawyers for Rod Blagojevich.

:06AM

10 MR. ADAM, JR.: Sam Adam, Jr., on behalf of
11 Mr. Blagojevich.

12 MR. S. F. ADAM: Sam Adam on behalf of
13 Mr. Blagojevich.

:06AM

14 MR. GILLESPIE: Your Honor, good morning.
15 Mike Gillespie on behalf of Mr. Blagojevich.

16 MR. ETTINGER: Good morning, Your Honor.
17 Michael Ettinger for Robert Blagojevich.

:06AM

18 THE COURT: I have two motions, one to
19 suppress and one to dismiss which the government can
20 respond to, particularly responding to the motion to
21 suppress, with respect to the motion to dismiss it's
22 possible that you might be dealing with a new motion
23 to dismiss filed later.

:07AM

24 MR. SCHAR: Judge, on the issue to the motion
25 to suppress, we would like to respond. If we could

1 have 3 weeks to do that?

2 THE COURT: Sure.

3 MR. SCHAR: On the motion to dismiss, I
4 understand there is one pending from defendant
5 Robert Blagojevich, we were handed this morning from
6 a filing from defendant Rod Blagojevich.

7 Judge, our position on that is under any
8 Seventh Circuit case law these counts are
9 appropriate and even if they're superceded again
10 they're appropriate. Obviously, the Supreme Court
11 is weighing the issue.

12 what we would suggest is Your Honor enter and
13 continue both the motions because one of two things
14 is going to happen, either the Supreme Court is
15 going to strike --

16 THE COURT: You can stop. Absent your
17 suggestions, motions are going to be entered and
18 continued.

19 MR. SCHAR: Thank you, Judge.

20 THE COURT: There is no other way to do it.
21 Have you any idea of the timing on when you
22 might seek a vote from the grand jury?

23 MR. SCHAR: Judge, I would expect that the
24 grand jury will vote by at the end of next week.

25 THE COURT: Okay.

1 Then what I will do is I will set this for a
2 status on February 10th. If the grand jury returns
3 a new indictment, it will also become an arraignment
4 day; if the grand jury does not, it will be an
5 ordinary status.

6 what else is a happening?

7 MR. SCHAR: Judge, the only other thing that
8 I think is at this point pending -- I know the
9 discovery motions have been fully briefed, beyond
10 that I don't believe anything else is pending. In
11 relation to the last filing that defendants filed,
12 I'm not sure if Your Honor wants a response to that,
13 I'm not going to respond, but on the same day that
14 was we actually began tendering some of the 3500
15 material and has been tendered Giglio material,
16 although we till stand by the tapes that we put in
17 our response to their original motion.

18 THE COURT: It's my intention to give a short
19 written minute order with respect to various things
20 that are pending before me, and I'm intending to do
21 that early next week, which means that if people
22 have any difficulties with what I've said, you can
23 raise them on the 10th.

24 Anybody have anything else?

25 MR. SCHAR: No.

1 MR. SOROSKY: No.

2 MR. ETTINGER: No, Judge.

3 THE COURT: Mr. Sorosky, you have solved your
4 various administrative problems?

5 MR. SOROSKY: Yes.

6 THE COURT: Okay.

7 MR. SOROSKY: Thank you.

8 THE COURT: Then I think that's it.

9 Time is excluded in the interest of justice
10 due to the pendency due to the pendency of motions.

11 THE CLERK: February 10th at 11:00 a.m.

12 MR. SCHAR: Thank you, Judge.

13 MR. SOROSKY: Thank you.

14 MR. ETTINGER: Thank you.

15 THE COURT: Thank you, counsel.

16

17 (which concluded the proceedings had on this
18 date in the above entitled cause.)

19

20

21

22

23

24

25

